

**LOCAL BANKRUPTCY FORM 3015-1**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

ANTHONY HAYES and  
JENNIFER RHEE HAYES

CHAPTER 13

CASE NO. 1:18-BK-00124-HWV

ORIGINAL PLAN

3rd AMENDED PLAN (indicate 1<sup>st</sup>, 2<sup>nd</sup> 3<sup>rd</sup>, etc.)

0 number of Motions to Avoid Liens

0 number of Motions to Value Collateral

**CHAPTER 13 PLAN**

**NOTICES**

Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked or if neither box is checked, the provision will be ineffective if set out later in the plan.

1	The Plan contains nonstandard provisions, set out in §9, which are not included in the standard Plan as approved by the US Bankruptcy Court for the Middle District of Pennsylvania.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
2	The Plan contains a limit on the amount of a secured claim, set out in §2.E, which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
3	The Plan avoids a judicial lien or nonpossessory, nonpurchase-money security interest, set out in §2.G.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

**YOUR RIGHTS WILL BE AFFECTED**

READ THIS PLAN CAREFULLY. If you oppose any provision of this Plan, you must file a timely written objection. This Plan may be confirmed and become binding on you without further notice or hearing unless a written objection is filed before the deadline stated on the Notice issued in connection with the filing of the Plan.

**1. PLAN FUNDING AND LENGTH OF PLAN**

**A. Plan Payments from Future Income**

1. To date, the Debtor paid \$6,649.62 (\$0 if no payments have been made to the Trustee to date). Debtor shall pay to the Trustee for the remaining term of the Plan the following payments. If applicable, in addition to monthly Plan payments, Debtor shall make conduit payments through the Trustee as set forth below. The total base Plan is \$40,399.62 plus other payments and property stated in §1B below:

Start mm/yyyy	End mm/yyyy	Plan Payment	Estimated Conduit Payment	Total Monthly Payment	Total Payment Over Plan Tier
05/2019	01/2023	\$750.00	\$0.00	\$750.00	\$40,399.62
				<b>Total Payments:</b>	\$40,399.62

2. If the Plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payment and the Plan funding. Debtor must pay all post-petition mortgage payments that have come due before the initiation of conduit mortgage payments.
3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the Plan.
4. CHECK ONE:
  - Debtor is at or under median income. *If this line is checked, the rest of §1.A.4 need not be completed or reproduced.*
  - Debtor is over median income. Debtor calculates that a minimum of \$5,055.00 must be paid to allowed unsecured creditors in order to comply with the Means Test.

#### **B. Additional Plan Funding from Liquidation of Assets/Other**

1. The Debtor estimates that the liquidation value of this estate is \$0.00. (Liquidation value is calculated as the value of all non-exempt assets after the deduction of valid liens and encumbrances is before the deduction of Trustee fees and priority claims.)

CHECK ONE:

- No assets will be liquidated. *If this line is checked, the rest of §1.B need not be completed or reproduced.*
- Certain assets will be liquidated as follows:
  2. In addition to the above specified Plan payments, Debtor shall dedicate to the Plan proceeds in the estimated amount of \$0.00 from the sale of property known and designated as . All sales shall be completed by , 20 . If the property does not sell by the date specified, then the disposition of the property shall be as follows:
  3. Other payments from any source(s) (describe specifically) shall be paid to the Trustee as follows:

#### **2. SECURED CLAIMS**

##### **A. Pre-Confirmation Distributions Check One**

- None. *If "None" is checked, the rest of §2.A need not be completed or reproduced.*
- Adequate protection and conduit payments in the following amounts will be paid by the Debtor to the Trustee. The Trustee will disburse these payments for which a Proof of Claim has been filed as soon as practicable after receipt of said payments from the Debtor.

Name of Creditor	Last Four Digits of Account Number	Estimated Monthly Payment
		\$

1. The Trustee will not make a partial payment. If the Debtor makes a partial Plan payment, or if it is not paid on time and the Trustee is unable to pay timely a payment due on a claim in this section, the Debtor's cure of this default must include any applicable late charges.
2. If a mortgagee files a notice pursuant to Fed. R. Bankr. P. 3002.1(b), the change in the conduit payment to the Trustee will not require modification of this Plan.

**B. Mortgages (Including Claims Secured by Debtor's Principal Residence) and Other Direct Payments by Debtor Check One**

None. If "None" is checked, the rest of §2.B need not be completed or reproduced.  
 Payments will be made by the Debtor directly to the Creditor according to the original contract terms, and without modification of those terms unless otherwise agreed to by the contracting parties. All liens survive the Plan if not avoided or paid in full under the Plan.

Name of Creditor	Description of Collateral	Last Four Digits of Account Number
Pacific Union Financial	2961 Philadelphia Avenue Chambersburg, PA 17201	8180
Toyota Motor Credit Company	2010 Toyota Corolla	0001

**C. Arrears (Including, but not limited to, Claims Secured by Debtor's Principal Residence) Check One**

None. If "None" is checked, the rest of §2.C need not be completed or reproduced.  
 The Trustee shall distribute to each Creditor set forth below the amount of arrearages in the allowed claim. If post-petition arrears are not itemized in an allowed claim, they shall be paid in the amount stated below. Unless otherwise ordered, if relief from the automatic stay is granted as to any collateral listed in this section, all payments to the Creditor as to that collateral shall cease, and the claim will no longer be provided for under §1322(b)(5) of the Bankruptcy Code:

Name of Creditor	Description of Collateral	Estimated Pre-Petition Arrears to be Cured	Estimated Post-Petition Arrears to be Cured	Estimated Total to be Paid in Plan
Toyota Motor Credit Company	2010 Toyota Corolla	\$1,939.88	\$0.00	\$1,939.88

**D. Other Secured Claims (Conduit Payments and Claims for Which a §506 Valuation is Not Acceptable, etc.) Check One**

None. If "None" is checked, the rest of §2.D need not be completed or reproduced.  
 The claims below are secured claims for which a §506 valuation is not applicable, and can include: (1) claims that were either (a) incurred within 910 days of the petition dated and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor, or (b) incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value; (2) conduit payments; or (3) secured claims not provided for elsewhere.

1. The allowed secured claims listed below shall be paid in full and their liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law discharge or under §1328 of the Code.
2. In addition to payments of the allowed secured claim, present value interest pursuant to 11 U.S.C. §1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below, unless an objection is raised. If an objection is raised, then the Court will determine the present value interest rate and amount at the Confirmation Hearing.
3. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Principal Balance of Claim	Interest Rate	Total to be Paid in Plan
		\$	%	\$

**E. Secured Claims for Which a §506 Valuation is Applicable Check One**

None. If "None" is checked, the rest of §2.E need not be completed or reproduced.

Claims listed in the subsection are debts secured by property not described in §2.D of this Plan. These claims will be paid in the Plan according to modified terms, and liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under §1328 of the Code. The excess of the Creditor's claim will be treated as an unsecured claim. Any claim listed as "\$0.00" or "NO VALUE" in the "Modified Principal Balance" column below will be treated as an unsecured claim. The liens will be avoided or limited through the Plan or Debtor will file an adversary action (select method in last column). To the extent not already determined, the amount, extent or validity or the allowed secured claim for each claim listed below will be determined by the Court at the Confirmation Hearing. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Value of Collateral (Modified Principal)	Interest Rate	Total Payment	Plan or Adversary Action
		\$	%	\$	Choose an item.

**F. Surrender of Collateral Check One**

None. If "None" is checked, the rest of §2.F need not be completed or reproduced.

The Debtor elects to surrender to each Creditor listed below in the collateral that secures the Creditor's claim. The Debtor requests that upon confirmation of this Plan or upon approval of any modified plan, the stay under 11 U.S.C. §362(a) be terminated as to the collateral only and that the stay under §1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 4 below.

Name of Creditor	Description of Collateral to be Surrendered
Credit Acceptance Corporation	2010 Chevrolet Equinox

**G. Lien Avoidance Do not use for mortgages or for statutory liens, such as tax liens. Check One of the Following Lines**

None. If "None" is checked, the rest of §2.B need not be completed or reproduced.

The Debtor moves to void the following judicial and/or nonpossessory, nonpurchase money liens of the following creditors pursuant to §522(f) (this § should not be used for statutory or consensual liens such as mortgages).

Name of Lien Holder	
Lien Description for Judicial Liens, include court and docket number	
Description of Liened Property	

Liened Asset Value	
Sum of Senior Liens	
Exemption Claim	
Amount of Lien	
Amount Avoided	

### 3. PRIORITY CLAIMS

#### A. Administrative Claims

1. Trustee's Fees. Percentage fees payable to the Trustee will be paid at the rate fixed by the United States Trustee.
2. Attorney's Fees. *Complete Only One of the Following Options*
  - a. In addition to the retainer of \$340.00 already paid by the Debtor, the amount of \$3,660.00 in the Plan. This represents the unpaid balance of the presumptively reasonable fee specified in LBR 2016-2(c); or
  - b. \$0.00 per hour, with the hourly rate to be adjusted in accordance with the terms of the written fee agreement between Debtor and the Attorney. Payment of such lodestar compensation shall require a separate fee application with the compensation approved by the Court pursuant to LBR 2016-2(b).
3. Other. Other administrative claims not included in §§3.A.1 or 3.A.2 above. *Check One*

None. *If "None" is checked, the rest of §3.A.3 need not be completed or reproduced.*

The following administrative claims will be paid in full:

Name of Creditor	Estimated Total Payment
	\$

#### B. Priority Claims (including certain Domestic Support Obligations)

Allowed unsecured claims entitled to priority under §1322(a) will be paid in full unless modified under §9

Name of Creditor	Estimated Total Payment
Internal Revenue Service	\$2,562.77
PA Department of Revenue	\$ 970.18
Franklin County Area Tax Bureau	\$1,000.00

#### C. Domestic Support Obligations Assigned to or Owed to a Governmental Unit Under 11 U.S.C. §507(1)(a)(B) *Check One*

None. *If "None" is checked, the rest of §3.C need not be completed or reproduced.*

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim. *This Plan provision requires that payments in §1.A be for a term of 60 months (see 11 U.S.C. §1322(a)(4)).*

Name of Creditor	Estimated Total Payment
	\$

#### 4. UNSECURED CLAIM

##### A. Claims of Unsecured Nonpriority Creditors Specially Classified *Check One*

None. *If "None" is checked, the rest of §4.A need not be completed or reproduced.*  
 To the extent that funds are available, the allowed amount of the following unsecured claims, such as co-signed unsecured debts, will be paid before other, unclassified, unsecured claims. The claim shall be paid interest at the rate stated below. If no rate is stated, the interest rate set forth in the Proof of Claim shall apply.

Name of Creditor	Reason for Special Classification	Estimated Amount of Claim	Interest Rate	Estimated Total Payment
		\$	%	\$

##### B. Remaining allowed unsecured claims will receive a pro-rata distribution of funds remaining after payment of other classes.

#### 5. EXECUTORIAL CONTRACTS AND UNEXPIRED LEASES *Check One*

None. *If "None" is checked, the rest of §5 need not be completed or reproduced.*  
 The following contracts and leases are assumed (and arrears in the allowed claim to be cured in the Plan) or rejected:

Name of Other Party	Description of Contract or Lease	Monthly Payment	Interest Rate	Estimated Arrears	Total Plan Payment	Assume or Reject
		\$	%	\$	\$	Choose an item.

#### 6. VESTING OF PROPERTY OF THE ESTATE

Property of the estate will vest in the Debtor upon: *Check the Applicable Line*

Plan Confirmation  
 Entry of Discharge  
 Closing of Case

#### 7. DISCHARGE *Check One*

The Debtor will seek a discharge pursuant to §1328(a).  
 The Debtor is not eligible for a discharge because the Debtor has previously received a discharge described in §1328(f).

## **8. ORDER OF DISTRIBUTION**

If a pre-petition Creditor files a secured, priority or specifically classified claim after the bar date, the Trustee will treat the claim as allowed, subject to objection by the Debtor.

Payments from the Plan will be made by the Trustee in the following order:

Level 1: \_\_\_\_\_  
Level 2: \_\_\_\_\_  
Level 3: \_\_\_\_\_  
Level 4: \_\_\_\_\_  
Level 5: \_\_\_\_\_  
Level 6: \_\_\_\_\_  
Level 7: \_\_\_\_\_  
Level 8: \_\_\_\_\_

*If the above levels are filled in, the rest of §8 need not be completed or produced.* If the above levels are not filled-in, then the Order of Distribution of Plan payments will be determined by the Trustee using the following as a guide:

Level 1: adequate protection payments  
Level 2: Debtor's attorney's fees  
Level 3: Domestic Support Obligations  
Level 4: priority claims, pro rata  
Level 5: secured claims, pro rata  
Level 6: specifically classified unsecured claims  
Level 7: timely filed general unsecured claims  
Level 8: untimely filed general unsecured claims to which the Debtor has not objected

## **9. NONSTANDARD PLAN PROVISIONS**

**Include the additional provisions below or on an attachment. Any nonstandard provision placed elsewhere in the Plan is void. (NOTE: The Plan and any attachment must be filed as one document, not as a Plan and Exhibit.)**

5/3/2019

/s/ Paul D. Murphy-Ahles

Dated: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Debtor

/s/ Anthony Hayes

\_\_\_\_\_  
Debtor 1

/s/ Jennifer Rhee Hayes

\_\_\_\_\_  
Debtor 2

By filing this document, the Debtor, if not represented by an Attorney, or the Attorney for Debtor also certifies that this Plan contains no nonstandard provisions other than those set out in §9.

**UNITED STATES BANKRUPTCY COURT**  
**MIDDLE DISTRICT OF PENNSYLVANIA**

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

Anthony Hayes  
**Debtor 1**  
Jennifer Rhee Hayes  
**Debtor 2**

**Chapter 13**  
**Case No. 1:18-BK-00124-HWV**  
**Matter:** Third Amended Plan

**NOTICE**

Notice is hereby given that:

The Debtor(s) filed a Chapter 13 Bankruptcy Petition on **January 15, 2018**.

A hearing on the above-referenced matter has been scheduled for:

<b>United States Bankruptcy Court</b> <b>Ronald Reagan Federal Building</b> <b>Bankruptcy Courtroom (3<sup>rd</sup> Floor)</b> <b>Third &amp; Walnut Streets</b> <b>Harrisburg, PA 17101</b>	<b>Date: June 12, 2019</b> <b>Time: 9:30 AM</b>
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Any objection/response to the above-referenced matter must be filed and served on or before **June 5, 2019**.

*Evidentiary hearings will not be conducted at the time of the Confirmation Hearing. If it is determined at the Confirmation Hearing that an evidentiary hearing is required, an evidentiary hearing will be scheduled for a future date.*

A copy of the Plan is enclosed with this Notice. A copy may also be obtained from the case docket through PACER or from the Bankruptcy Clerk's Office.

Request to participate in a hearing telephonically shall be made in accordance with Local Bankruptcy Rule 9074-1(a).

Date: May 8, 2019

Paul D. Murphy-Ahles, Esquire  
PA ID No. 201207  
DETHLEFS PYKOSH & MURPHY  
2132 Market Street  
Camp Hill, PA 17011  
(717) 975-9446  
pmurphy@dplglaw.com  
Attorney for Debtor(s)

**UNITED STATES BANKRUPTCY COURT**  
**MIDDLE DISTRICT OF PENNSYLVANIA**

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

Anthony Hayes  
**Debtor 1**  
Jennifer Rhee Hayes  
**Debtor 2**

**Chapter 13**  
**Case No. 1:18-BK-00124-HWV**  
**Matter:** Third Amended Plan

**CERTIFICATE OF SERVICE**

I hereby certify that on Wednesday, May 8, 2019, I served a true and correct copy of the **Third Amended Chapter 13 Plan and Notice of Opportunity to Object and Hearing** in this proceeding via electronic means or USPS First Class Mail upon the recipients as listed in the Mailing Matrix.

/s/ Kathryn S. Greene

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Kathryn S. Greene, Pa.C.P., Paralegal for  
Paul D. Murphy-Ahles, Esquire

Label Matrix for local noticing  
0314-1  
Case 1:18-bk-00124-HWV  
Middle District of Pennsylvania  
Harrisburg  
Wed May 8 12:27:16 EDT 2019

CW Nexus Credit Card Holdings 1, LLC  
Resurgent Capital Services  
PO Box 10368  
Greenville, SC 29603-0368

AAA Debt Recovery  
PO Box 129  
Monroeville, PA 15146-0129

CBNA / The Home Depot  
PO Box 6497  
Sioux Falls, SD 57117-6497

CWS / Nexus  
101 Crossways Park Drive West  
Woodbury, NY 11797-2020

Capital One Bank (USA), N.A.  
PO Box 71083  
Charlotte, NC 28272-1083

Capital One Bank / Kohl's  
N56 West 17000 Ridgewood Drive  
Menomonee Falls, WI 53051

Capital One Bank USA, NA  
PO Box 30285  
Salt Lake City, UT 84130-0285

Capital One, N.A.  
c/o Becket and Lee LLP  
PO Box 3001  
Malvern PA 19355-0701

William E. Craig  
Morton E. Craig, LLC  
110 Market Avenue, Suite 301  
Moorestown, NJ 08057-3125

(p) CREDIT ACCEPTANCE CORPORATION  
25505 WEST 12 MILE ROAD  
SOUTHFIELD MI 48034-8316

Credit Management Company  
Attn: Bankruptcy Department  
2121 Noblestown Road  
Pittsburgh, PA 15205-3956

Charles J DeHart, III (Trustee)  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036-8625

Discover Bank  
Discover Products Inc  
PO Box 30285  
New Albany, OH 43054-3025

Discover Financial Services, LLC  
PO Box 3025  
New Albany, OH 43054-3025

First Premier Bank  
3820 North Louise Avenue  
Sioux Falls, SD 57107-0145

First Savings  
PO Box 5019  
Sioux Falls, SD 57117-5019

Fortiva / Atlanticus  
PO Box 10555  
Atlanta, GA 30310-0555

Kevin S Frankel  
Shapiro & DeNardo, LLC  
3600 Horizon Drive  
Suite 150  
King Of Prussia, PA 19406-4702

Franklin County Area Tax Bureau  
443 Stanley Avenue  
Chambersburg, PA 17201-3628

Anthony Hayes  
2961 Philadelphia Avenue  
Chambersburg, PA 17201-8967

Jennifer Rhee Hayes  
2961 Philadelphia Avenue  
Chambersburg, PA 17201-8967

Internal Revenue Service  
Centralized Insolvency Operation  
PO Box 7346  
Philadelphia, PA 19101-7346

JH Portfolio Debt Equities, LLC  
PO Box 788  
Kirkland, WA 98083-0788

KML Law Group, PC  
BNY Mellon Independence Center  
701 Market Street, Suite 300  
Philadelphia, PA 19106-1541

LTD Financial Services  
3200 Wilcrest Drive, Suite 600  
Houston, TX 77042-6000

LVNV Funding, LLC  
PO Box 10497  
Greenville, SC 29609-0497

LVNV Funding, LLC its successors and assigns  
assignee of FNB, LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

MERRICK BANK  
Resurgent Capital Services  
PO Box 10368  
Greenville, SC 29603-0368

Mariner Finance  
8211 Town Center Drive  
Nottingham, MD 21236-5904

Merrick Bank  
PO Box 9201  
Old Bethpage, NY 11804-9001

Midland Funding, LLC  
2365 Northside Drive, Suite 200  
San Diego, CA 92108-2700

Midland Funding, LLC  
Midland Credit Management, Inc. as agent  
Midland Funding, LLC  
PO Box 2011  
Warren, MI 48090-2011

Paul Donald Murphy-Ahles  
Dethlefs Pykosh & Murphy  
2132 Market Street  
Camp Hill, PA 17011-4706

Nationstar Mortgage LLC d/b/a Mr. Cooper  
PO Box 619096  
Dallas, TX 75261-9096

Nationstar Mortgage LLC d/b/a Mr. Cooper  
PO Box 619096  
Dallas, TX 75261-9741

PA Department of Revenue  
Attn: Bankruptcy Division  
PO Box 280496  
Harrisburg, PA 17128-0946

PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

Pacific Union Financial  
1603 LBJ Freeway, Suite 500  
Farmers Branch, TX 75234-6071

Pacific Union Financial  
1603 Linden B Johnson Freeway, Ste 500  
Farmers Branch, TX 75234-6071

Patriot Federal Credit Union  
800 Wayne Avenue  
PO Box 778  
Chambersburg, PA 17201-0778

Pennsylvania Department of Revenue  
Bankruptcy Division PO BOX 280946  
Harrisburg, PA 17128-0946

(p) PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Premier Bankcard, Llc  
Jefferson Capital Systems LLC Assignee  
Po Box 7999  
Saint Cloud Mn 56302-7999

State of Maryland / CCU  
300 West Preston Street, Suite 503  
Baltimore, MD 21201-2308

Toyota Motor Credit Company  
240 Glendale Road, Suite 260  
Horsham, PA 19044-2387

Toyota Motor Credit Corporation  
PO Box 9013  
Addison, Texas 75001-9013

United States Trustee  
228 Walnut Street, Suite 1100  
Harrisburg, PA 17101-1722

James Warmbrodt  
701 Market Street, Suite 5000  
Philadelphia, PA 19106-1341

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Credit Acceptance Corporation  
25505 West 12 Mile Road  
Southfield, MI 48034

(d) Credit Acceptance Corporation  
25505 West 12 Mile Road  
Southfield, MI 48034-8316

Portfolio Recovery Associates, LLC  
PO Box 41067  
Norfolk, VA 23541-1067

(d) Portfolio Recovery Associates, LLC  
POB 12914  
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Mariner Finance, LLC  
8211 Town Center Drive  
Nottingham, MD 21236-5904

(u)Nationstar Mortgage LLC d/b/a Mr. Cooper a  
8950 Cypress Waters Blvd, Coppell, Texas

(u)Nationstar Mortgage LLC d/b/a Mr. Cooper a

(d)PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

(u)Pacific Union Financial, LLC

(u)Toyota Motor Credit Corporation

End of Label Matrix	
Mailable recipients	48
Bypassed recipients	6
Total	54

